

October 14, 2004

WEST VIRGINIA BULLETIN NO. WV360-5-01

SUBJECT: PER-RESTORATION OF ANNUAL LEAVE

Purpose. To remind employees to schedule annual leave.

Expiration Date. This bulletin expires after contents are noted.

The current leave year ends January 8, 2005. For employees who are in a "use or lose" situation, annual leave must be scheduled and approved in writing prior to the end of pay period 22 (November 13, 2004) before forfeited annual leave can be considered for restoration. It is very important that the full amount of annual leave that you have to "use or lose" is scheduled. We have had problems in the past when not all leave was restored because the full amount was not scheduled.

Therefore, I am encouraging all employees to use their annual leave when the opportunity is available because there is no guarantee that leave will be restored.

Forfeited annual leave can only be restored for one of the following conditions: administrative error; if annual leave was approved in writing in advance but its use was denied because of an exigency of public business; or if annual leave was scheduled but was later precluded because of illness or injury.

To have leave restored because of exigency, public business or sickness, the leave must have been scheduled three (3) pay periods before the end of the leave year. The only exception to this would be if the employee was ill for a prolonged period and unable to request annual leave that would be subject to forfeiture.

The definition of when an exigency of public business exists is when an employee cannot be excused from duty for the duration of the scheduled leave. An example would be - an assignment to handle a heavy workload. This decision can only be made by the State Conservationist.

Please emphasize to your employees the importance of using leave now in case annual leave will not be approved for restoration. Also, all annual leave should be scheduled and approved as soon as possible. The OPM – 71 (or SF-71) Application for Leave will need to be used in order to meet the scheduling and approval requirements.

If you have any questions, please contact Charlotte Wertz at (304) 284-7551 or Charlotte.Wertz@wv.usda.gov.

/s/ Charlotte Wertz, Acting For

**LILLIAN V. WOODS
State Conservationist**

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